

Attorney Docket No. 04149/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Tooru HISHIYAMA, et al.

Serial No. : 10/805,618

Confirm. No.: 2133

Filed : March 18, 2004

For : CRUSHING CONTROL APPARATUS FOR  
SHEARING CRUSHER

Art Unit : 3725

Examiner : Faye Francis

**INFORMATION DISCLOSURE STATEMENT WITH  
STATEMENT UNDER 37 CFR 1.97(e) (1) AND 1.704(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**S I R :**

Submitted herewith are the following:

1. Copy of a Japanese Office Action dated August 20, 2007 (and English translation thereof) issued in a counterpart Japanese application of related U.S. Appln. Serial No. 10/805,617;
2. IDS Form; and
3. Copies of cited publications
- 4.

An English translation of said Japanese Office Action is provided, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

This paper is being  
submitted via EFS-Web on  
August 28, 2007

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not already paid, authorization to charge the extension fee to Account No. 06-1378. In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

English language abstracts and/or translations are provided for each of the cited Japanese documents.

**STATEMENT UNDER 37 CFR 1.97(e) (1)**

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of August 20, 2007. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

**STATEMENT UNDER 37 CFR 1.704(d)**

Each item of information contained in this Information Disclosure Statement was cited in said communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the present Information Disclosure Statement.

It is requested that an initialed copy of the IDS Form be returned to indicate that the publications listed therein have been considered and made of record.

Respectfully submitted,



Douglas Holtz, Esq.  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue, 16<sup>th</sup> Floor  
New York, NY 10001-7708  
Tel. No. (212) 319-4900  
Fax. No. (212) 319-5101  
DH:nps

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number		10/805,618		
				Filing Date		March 18, 2004		
				First Named Inventor		Tooru HISHIYAMA		
				Group Art Unit		3725		
				Examiner Name		Faye Francis		
Sheet	1	of	1	Attorney Docket Number		04149/LH		
<b>U.S. PATENT DOCUMENTS</b>								
Exam. Inits*	Cite No <sup>1</sup>	Document Number		Kind Code	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	
<b>FOREIGN PATENT DOCUMENTS</b>								
Exam Inits*	Cite No <sup>1</sup>	Office	Document Number <sup>4</sup>	Kind Code	Name of Patentee or Applicant	Publication Date MM-DD- YYYY	Relevant Portion	T <sup>5</sup>
		JP	11-033424	A	HITACHI CONSTR MACH CO. LTD	02-09-1999		*
		JP	2001-070810	A	KOMATSU LTD.	03-21-2001		*
		JP	04-269153	A	HITACHI SEIKI CO. LTD.	09-25-1992		*
		JP	2000-070752	A	KURIMOTO LTD.	03-07-2000		*
		JP	2000-325823	A	HITACHI CONSTR MACH CO. LTD.	11-28-2000		*
			*English Language Abstract and Translation Attached					
Examiner Signature						Date Considered		

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Mark here if English translation is attached.

DATE MAILED: **August 28, 2007**